

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL PENDLETON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:24-884
)	Judge Nora Barry Fischer
)	Magistrate Judge Keith Pesto
JUDGE RANDAL B. TODD, Allegheny)	
County Court of Common Pleas Judge,)	
STEPHEN A. ZAPPALA, JR., Allegheny)	
County District Attorney,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 22nd day of January, 2025, in accordance with the foregoing Memorandum Opinion,

IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 3) is adopted, in part, to the extent that the Court adopts its analysis for the sixth *Poulis* factor;

IT IS FURTHER ORDERED that Plaintiff's Complaint (Docket No. 1) is DISMISSED, without prejudice, for failure to prosecute;

IT IS FURTHER ORDERED that this case shall remain CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith Pesto
cc: Michael J. Pendleton
DY-1646

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